

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ROBERT HEATH, et al.,  
Plaintiffs,  
v.  
GOOGLE INC.,  
Defendant.

Case No. [15-cv-01824-BLF](#)

**ORDER REGARDING SEALING  
MOTIONS PERTAINING TO MOTION  
FOR CONDITIONAL CERTIFICATION  
BRIEFING**

[Re: ECF 74, 94, 102]

Before the Court are the parties' administrative motions to file under seal portions of their briefing and exhibits in connection with the pending motion for conditional certification. ECF 74, 94, 102. For the reasons stated below, the motions are GRANTED IN PART and DENIED IN PART.

**I. LEGAL STANDARD**

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are "more than tangentially related to the merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at 1097.

In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is "sealable." Civ. L.R. 79-

5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

## II. DISCUSSION

The Court has reviewed the parties’ sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal certain portions of most of the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are set forth in the tables below:

### A. ECF 74

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Portions of Motion for Conditional Certification	References below exhibits	GRANTED for any portions referencing Exhibits 1-2, 4-5, 15-19 and DENIED for any portions referencing Exhibits 3, 8, 13-14.
Exhibits 1-2	Discloses confidential information about Google’s hiring process	GRANTED
Exhibits 4-5 and 15-19	Employment applications containing personal information	GRANTED
Exhibits 3, 8, 13-14	Designated Highly Confidential – Attorneys’ Eyes Only by Google	DENIED because supporting declaration at ECF 80 did not provide any reasons to seal.

### B. ECF 94

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Google’s Opposition to Plaintiff Fillekes’ Motion For Conditional Certification and Heath’s Partial Joinder	References exhibits filed in connection with Motion and below	GRANTED except for any portion referencing Exhibit 3, 8, and 13-14 to the Motion for Conditional Certification.
Declaration of Brian Ong In Support of Google’s Opposition to Plaintiff Fillekes’ Motion For Conditional Certification of Collective Action and Heath’s Partial Joinder	Contains personal information of non-party declarants	GRANTED
Exhibits 1-9	Confidential gHire records for nine separate candidates for employment positions at	GRANTED

	Google	
Exhibits 10-12	Confidential gHire Committee notes	GRANTED

**C. ECF 102**

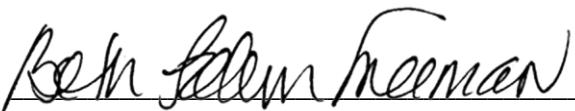
Identification of Documents to be Sealed	Description of Documents	Court's Order
Reply Brief	References Exhibit 1 to the Motion for Conditional Certification, which contains confidential information about Google's hiring process	GRANTED

**III. ORDER**

For the foregoing reasons, the sealing motions at ECF 74, 94, 102 are GRANTED IN PART and DENIED IN PART. Under Civil Local Rule 79-5(e)(2), for any request that has been denied because the party designating a document as confidential or subject to a protective order has not provided sufficient reasons to seal, the submitting party must file the unredacted (or lesser redacted) documents into the public record no earlier than 4 days and no later than 10 days from the filing of this order.

**IT IS SO ORDERED.**

Dated: August 17, 2016

  
 BETH LABSON FREEMAN  
 United States District Judge